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California Regional Water Quality Control Board North Coast Region

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Arnold
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Complaint Inspection Report Rector Frocteau Property 25820 Comptche-Ukiah Rd. Comptche

Date: April 22, 2010

To: Mark Alpert, Senior Engineering Geologist
Robert Klamt, Timber Harvest Division Chief

From: Stormer Feiler, Environmental Scientist

Subject: February 9, 2010 inspection of Rector/Frocteau Property

Physical Address: 25820 Comptche-Ukiah Rd.
County: Mendocino
APN Parcel #: 125-280-73
Landowner: Steve Rector and Anne Carol Frocteau
Mailing Address: P.O. Box 284, Comptche, CA 95427
Phone #: (707) 489-1877

Watershed: Navarro River, N. Branch Navarro River, John Smith Creek
Planning Watershed 1113.500601 (Cal Water Ver. 2.2)

Violations: Violations of Prohibitions 1 and 2 of the Water Quality Control Plan
for the North Coast Region (Basin Plan) Action Plan for Logging,
Construction, and Associated Activities.

Inspection Attendance on February 9, 2010

Jeanette Pedersen-CAL FIRE Division Chief, Forester II
Andy Whitlock-CAL FIRE
Angie Hamilton-Mendocino Code Enforcement Officer
James McCleary- Mendocino Code Enforcement Officer
Stormer Feiler-Regional Water Board
Tracie Nelson- Department of Fish and Game Environmental Scientist (DFG)
Kevin Joe-Department of Fish and Game Warden (DFG)
Randy Jacobszoon-Registered Professional Forester
Steve Rector-Landowner

California Environmental Protection Agency

Recycled Paper

Introduction

This report provides a written record of the February 9, 2010 inspection conducted on the Rector/Frocteau property (hereinafter subject property). This inspection was a follow up to the January 14, 2010 inspection of a complaint received from CAL FIRE (November 23, 2009). The main purpose of the inspection was to evaluate the potential and existing impacts from the impoundment and road surface erosion identified during the first inspection after several heavy rain storms had occurred. During the interim period between inspections (1/14/2010-2/9/2010) the Howard Forest weather station recorded 16 ¼" inches of rainfall. The effect of this amount of rainfall on the subject property was telling in regard to the potential problems identified during the first inspection (in-stream impoundment and road surface drainage). These findings will be discussed further in the body of this report.

The inspection was coordinated and led by Stormer Feiler. Consent to conduct an inspection was received from the landowner, prior to the inspection. Law enforcement staffs from CAL FIRE, and DFG, were present on the inspection.

The inspection consisted of driving through the property observing and documenting observations of roads and the recently constructed impoundment in an ephemeral stream. In terms of Forest Practice Rules, an ephemeral stream that is capable of transporting sediment to a higher order watercourse is a Class III stream. This stream transitions to an intermittent stream approximately 300 feet below the impoundment. An intermittent stream is a stream that does not flow all year, but does flow for several months a year, and likely has the capacity to be capable of supporting non-fish aquatic species seasonally or in isolated pockets of perennial habitat. In terms of Forest Practice Rules, a stream that supports non-fish aquatic species is a Class II stream. On the day of the inspection the stream was observed to be flowing steadily at approximately 25-30 gallons per minute 300 feet below the impoundment. Stream flow prior to this point was intermittent.

A map with waypoints is provided at the end of this report to identify locations discussed. Map Point 28 identifies the Rector–Frocteau impoundment.

This report identifies potential and existing violations of the Porter Cologne Water Quality Control Act as pertaining to the authority of the North Coast Regional Water Quality Control Board. The findings and recommendations are limited to this authority. It is possible that other state agencies will establish violations and/or a record of this inspection as pertinent to their respective authorities.

Background information

The subject property is sixty-seven (67) acres in size and is part of an approved Non-Industrial Timber Management Plan (NTMP) #1-00NTMP-001 MEN. The parcel is Timber Production Zoned (TPZ).

The subject property is wooded with primarily Douglas Fir, Redwood, and Tan Oak. The property discharges through an unnamed blue line stream to Johnson Creek, which is also shown as a blue line stream on USGS Topographic Map (Navarro 12.5 minute quadrangle). Johnson Creek is tributary to John Smith Creek, which flows to the Navarro River. Steelhead trout and Coho Salmon are known to reside in these waterbodies.

Johnson and John Smith Creek(s) Steelhead Trout are Threatened under the Endangered Species Act and are located in the Northern California Coast Evolutionarily Significant Unit, as defined under the US Endangered Species Act, by the National Oceanic and Atmospheric Administration (NOAA).

John Smith Creek is identified as a Coho Salmon stream as recently as 1994 through in-stream surveys¹. John Smith Creek Coho salmon are listed as Endangered in the Southern Oregon Northern California Coast Evolutionarily Significant Unit, as defined by the US Endangered Species Act, and referred to in the Recovery Strategy for California Coho Salmon developed by the California Department of Fish and Game. The Coho Recovery Strategy identifies John Smith Creek for sub basin erosion control and large woody debris installations to improve and recover Coho habitat.

The impoundment on the Rector/Frocteau Property is located in the same unnamed tributary to Johnson Creek as the impoundments on the Navoti Organics LLC Property and the Philbrick Family Trust property that are discussed in separate reports. On the Rector/Frocteau property the impoundment is at the headwaters of the unnamed stream tributary to Johnson Creek. The Navoti and Philbrick impoundments are potentially at risk from the failure of the Rector/Frocteau impoundment. The Rector/Frocteau impoundment is the largest of the three and appears to be the most likely to catastrophically fail. This is based upon the observations of tension cracks and spillway placement discussed in this report.

Observations

Observations described in this section are characterized with photos taken on February 9, 2010 inspection and photos taken on January 14, 2010 to contrast the changes from rainfall to the site during the interim time period between inspections. The contrast of photos illustrates the road surface erosion that has occurred and provides documentation of the identified concerns regarding the in-stream impoundment.

¹ NOAA Technical Memorandum NMFS, Historical Occurrence of Coho Salmon In Streams of the Central Coast Evolutionary Significant Unit, B. Spence et. al., October 2005

Pond

The inspection team observed an in-stream pond, formed by constructing an earthen impoundment in an intermittent blue line stream (unnamed) tributary to Johnson Creek.

According to the landowner, the impoundment was constructed about a year and a half ago using earthen fill materials. The downstream side of the impoundment surface evidenced tension cracks, which may be a result of poor compaction during construction. These tension cracks appear to have enlarged in the interim three weeks between inspections (1/14/2010-3/9/2010). In addition, the impoundment was at full volume on February 9, 2010 increasing concerns with the potential for a catastrophic failure. The spillway is set very high in the fill of the impoundment and there appears to be some potential for plugging from floating debris. The spillway was observed to be discharging a steady stream of water estimated at 10 to 20 gallons per minute. This spill way flow is along the hinge-line (joining of natural soils and fill materials) of the crossing and disperses as subsurface flow prior to reaching the base of the impoundment fill slope.

The earthen impoundment is conservatively estimated to include +or- 2400 cubic yards of earthen materials. This estimate is arrived at by using the following equation: $L \times H \times W ((b1+b2)/2)$ with the answer then divided by 27 to establish cubic yards. The impoundment is estimated to be 96 feet in length, 26 feet high with a width at the base of fill of approximately 40 feet (b1) and a width at the top of the fill of 14 feet (b2).

Road Surface Drainage

In the first inspection (1/14/2010) the inspection team noted the following:

- The inside ditch along the main access road extended for a significant distance without interruption increasing the potential for erosion that could result in delivery to waters of the state at ditch relief breaks.
- No regularly spaced ditch relief breaks were observed.
- The main access road also included unmaintained watercourse crossings that likely erode during rainfall events.
- The main access road had been recently rocked and graded with a crowned road surface. At the time of this inspection no existing violations were noted.

During the February 9, 2010 inspection, discharge of sediment and turbid water was observed from road surfaces at watercourse and swale crossings, and the road surface had significantly deteriorated in the intervening three weeks. The current status of the road surface will require grading, road drainage work to address the discharge and potential for discharge of sediment to waters of the state.

Inspection Photos



1/14/2010 Rector/Frocteau Property in-stream impoundment approximately 12 feet to water from top of impoundment



2/9/2010 The Rector/Frocteau Property in-stream impoundment at full capacity, (note the floating debris a potential spillway plugging hazard). The pond is an estimated minimum depth of 25 feet.



2/9/2010 view of water height and spill way.



2/9/2010 tension cracks and pond in the background to illustrate extent of tension cracks in impoundment fills.



2/9/2010 tension cracks



2/9/2010 new tension cracks with 2-3 inches of displacement not observed on 1/14/2010



2/9/2010 tension cracks note the offset (2-3 inches) and size of crack in relationship to a size 11 boot.



2/9/2010 road surface ruts channelize flow to watercourse/swale drainage point below.



2/9/2010 road surface erosion delivers at unmaintained watercourse crossing below.



2/9/2010 closer view of watercourse crossing in previous photo



1/14/2010 agriculture cultivation holes adjacent to Rector-Frocteau home site

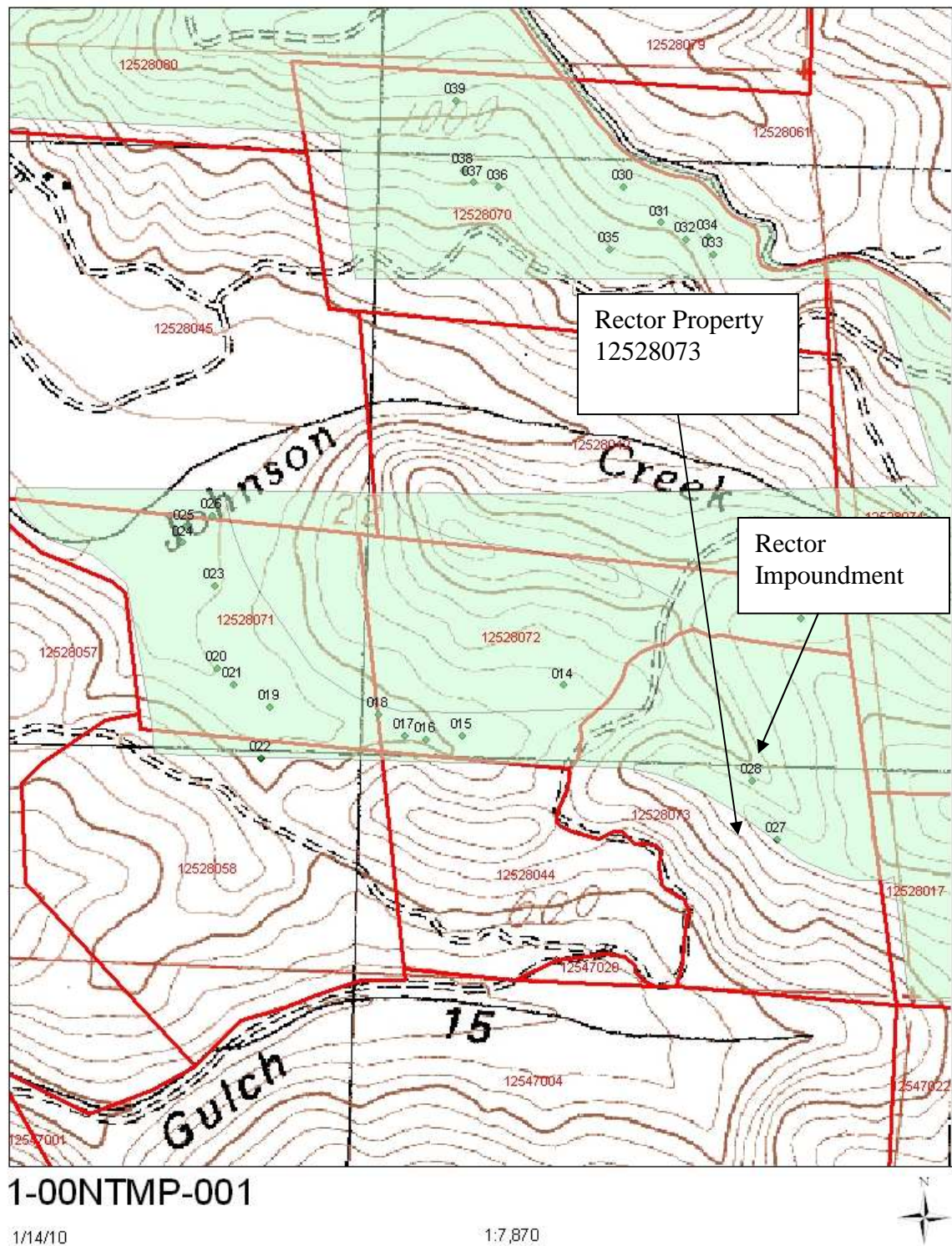


Figure 1: Rector-Frocteau Property.